



NOTICE OF PUBLIC COMMENT PERIOD

**JENNINGS TECHNOLOGY COMPANY OF SAN JOSE, LLC
CONSENT ORDER, DOCKET HWCA 20091966
San Jose, California**



PUBLIC COMMENT PERIOD: March 25, 2011 through April 25, 2011

What is being proposed? The Department of Toxic Substances Control (DTSC) invites you to comment on an enforcement action settlement document, Consent Order HWCA 20091966. DTSC negotiated this Consent Order with Jennings Technology Company of San Jose, LLC (Jennings).

This Consent Order addresses violations of the Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) determined during a DTSC Compliance Evaluation Inspection of Jennings, which began on January 28, 2009.

The violations include:

- Treating hazardous waste without a permit or grant of authorization;
- Storage of hazardous waste in containers for more than 90 days without a permit or grant of authorization;
- Failure to transfer hazardous waste from a damaged container to a container in good condition;
- Failure to determine if waste was hazardous by testing the waste or applying knowledge of the hazard characteristic;
- Failure to maintain protective distances with legible signage and markings;
- Failure to remove a cyanide sump from service after discovering that the secondary containment was compromised and the inner containment was damaged;
- Failure to conduct tank assessments;
- Failure to conduct daily tank inspections and retain inspection records;
- Failure to properly dispose of lead and copper-contaminated soldering waste;
- Failure to maintain the facility to minimize the possibility of release of hazardous waste to the air, soil or surface water;
- Failure to store universal waste in a covered container;
- Failure to properly label a hazardous waste tank; and
- Failure to properly post signage that prohibits smoking near the ignitable hazardous waste containers.

Under the Consent Order, Jennings Technology Company will pay \$347,000 of which \$10,000 is reimbursement of DTSC costs and \$337,000 is penalty. The final payment is due within 30 days from the effective date of the Consent Order. Jennings Technology Company has returned to compliance on all violations.

Why is DTSC providing a public comment period for this settlement? DTSC is seeking public comment as part of its ongoing effort to ensure transparency in all of its programs. Additionally, DTSC wishes to ensure that this settlement has taken into account all relevant facts and considerations in settling this case. DTSC will only consider changes to this settlement if comments provide facts or considerations showing that this settlement is inappropriate, improper or inadequate.

Written comments on this Consent Order must be submitted no later than April 25, 2011. Comments sent by fax should also be mailed. Comments sent only by mail must be postmarked by April 27, 2011. All comments should refer to the Jennings Technology Company of San Jose, LLC, Consent Order, and must also be sent to: Mr. Rick Robison, Enforcement and Emergency Response Program, Department of Toxic Substances Control, 700 Heinz Avenue, Berkeley, California 94710. Comments may be sent by fax to (510) 540-3891. DTSC will only consider changes to this settlement if comments provide facts or considerations showing that this settlement is inappropriate, improper or inadequate.

Where do I get more information? The Consent Order is available at DTSC's office located at 700 Heinz Avenue, Berkeley, California 94710, (510) 540-3891, and on DTSC's web site at: <http://www.dtsc.ca.gov/EnforcementOrders.cfm>, after accessing the link scroll down to Jennings Technology Company of San Jose, LLC for additional information.

For additional information, questions or to discuss the Consent Order, please contact Mr. Rick Robison, Enforcement and Emergency Response Program, at (510) 540-3859, e-mail rrobison@dtsc.ca.gov.

NOTICE TO HEARING IMPAIRED INDIVIDUALS: TDD users may use the California Relay Service at 1-888-877-5378 (TDD) and ask to speak to Rick Robison at (510) 540-3859.